

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ELLIOTT BROIDY and
BROIDY CAPITAL MANAGEMENT, LLC,

Plaintiffs,

v.

GLOBAL RISK ADVISORS LLC,
GRA QUANTUM LLC,
GRA RESEARCH LLC,
GLOBAL RISK ADVISORS EMEA
LIMITED,
GRA MAVEN LLC,
QRYPT, INC.,
KEVIN CHALKER,
DENIS MANDICH,
ANTONIO GARCIA, and
COURTNEY CHALKER

Defendants.

Case No. 1:19-CV-11861

**DECLARATION OF DANIEL R. BENSON IN SUPPORT OF
PLAINTIFFS' MOTION FOR SANCTIONS**

I, DANIEL R. BENSON, hereby declare as follows:

1. I am a member of the law firm Kasowitz Benson Torres LLP, counsel for Plaintiffs Elliott Broidy and Broidy Capital Management, LLC (collectively "Plaintiffs") in this action, and am an attorney admitted to practice law before the courts of the State of New York and in the Southern District of New York.

2. I submit this Declaration in support of Plaintiffs' Motion for Sanctions against Gibson, Dunn & Crutcher LLP ("Gibson Dunn"). I have personal knowledge of the facts set forth in this Declaration.

3. Attached hereto as **Exhibit A** is a true and correct copy of Order Granting in Part Plaintiffs' Motion for Sanctions, *In re Facebook, Inc. Consumer Privacy User Profile Litig.*, Case No. 18-md-02843-VC, ECF 1104 (N.D. Cal. Feb. 9, 2023).

4. Attached hereto as **Exhibit B** is a true and correct copy of the Declaration of Richard W. Gates III, dated May 13, 2022.

5. Attached hereto as **Exhibit C** is a true and correct copy of the redacted FBI "302" memo memorializing an interview with Richard W. Gates III on Sunday, March 18, 2018.

6. Attached hereto as **Exhibit D** is a true and correct copy of a letter from Filiberto Agusti of Steptoe & Johnson LLP ("Steptoe"), Plaintiffs' prior counsel in this action, to Jason C. Schwartz of Gibson Dunn, dated August 26, 2020.

7. Attached hereto as **Exhibit E** is a true and correct copy of a letter from Orin Snyder of Gibson Dunn to Mr. Agusti, dated September 2, 2020.

8. Attached hereto as **Exhibit F** is a true and correct copy of a letter from Mr. Agusti to Mr. Snyder, dated September 9, 2020.

9. Attached hereto as **Exhibit G** is a true and correct copy of a letter from Mr. Snyder to Mr. Agusti, dated September 23, 2020.

10. Attached hereto as **Exhibit H** is a true and correct copy of an e-mail, with attachments, from Mr. Schwartz to Gwendolyn P. Renigar of Steptoe, dated October 4, 2020.

11. On May 16, 2022, I contacted Martin A. Hewitt, Deputy General Counsel of Gibson Dunn, to raise Gibson Dunn's conflict and inform him that Plaintiffs had obtained Mr. Gates' declaration. On May 17, 2022, I sent a copy of the declaration to Mr. Hewitt and Richard Dudley, Assistant General Counsel of Gibson Dunn.

12. Attached hereto as **Exhibit I** is a true and correct copy of a letter from Mr. Hewitt to me, dated May 18, 2022.

13. Attached hereto as **Exhibit J** is a true and correct copy of the Statement of Thomas C. Green, dated June 9, 2022.

14. Attached hereto as **Exhibit K** is a true and correct copy of emails exchanged by me and Mr. Snyder and Mr. Hewitt, dated between June 10, 2022 and June 23, 2022.

15. Attached hereto as **Exhibit L** is a true and correct copy of a letter from Mr. Snyder to me, dated June 22, 2022.

16. Attached hereto as **Exhibit M** is a true and correct copy of an email from Brian C. Ascher at Gibson Dunn to Judge Vyskocil and staff, dated June 30, 2022.

17. Attached hereto as **Exhibit N** is a true and correct copy of Guidelines Regarding Appropriate Use of 302 Forms in Criminal Trials, *United States v. Shulaya*, No. 1:17-cr-00350-LAP, ECF 819 (S.D.N.Y. June 11, 2018).

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 23rd day of February 2023.

/s/ Daniel R. Benson
Daniel R. Benson